



Plenary sitting

**B9-0341/2021 }
B9-0343/2021 }
B9-0346/2021 } RC1**

9.6.2021

JOINT MOTION FOR A RESOLUTION

pursuant to Rule 132(2) and (4) of the Rules of Procedure

replacing the following motions:

B9-0341/2021 (PPE)

B9-0343/2021 (Renew)

B9-0346/2021 (ECR)

on the human rights and political situation in Cuba
(2021/2745(RSP))

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on behalf of the Renew Group

**Anna Fotyga, Hermann Tertsch, Ryszard Czarnecki, Witold Jan
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on behalf of the ECR Group

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PE694.456v01-00 } RC1

European Parliament resolution on the human rights and political situation in Cuba (2021/2745(RSP))

The European Parliament,

- having regard to its previous resolutions on Cuba, in particular those of 15 November 2018¹ on the human rights situation in Cuba, of 3 December 2019² on the case of José Daniel Ferrer, and of 5 July 2017 on the draft Council decision on the conclusion, on behalf of the European Union, of the Political Dialogue and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Cuba, of the other part³,
- having regard to the PDCA between the European Union and Cuba signed in December 2016 and provisionally applied since 1 November 2017⁴,
- having regard to the hearing on Cuba of the Delegation for Relations with the Countries of Central America, held on 11 December 2020,
- having regard to the informal video conference of the members of the EU-Cuba Joint Council of 20 January 2021⁵,
- having regard to the third formal Human Rights Dialogue under the Political Dialogue and Cooperation Agreement (PDCA), held on 26 February 2021⁶,
- having regard to the United Nations (UN) Human Rights Council Universal Periodic Review on Cuba of May 2018,
- having regard to the International Covenant on Civil and Political Rights (ICCPR) and other international human rights treaties and instruments,
- having regard to the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the general recommendations of the UN Committee on the Elimination of Discrimination against Women,
- having regard to reports by human rights organisations such as Human Rights Watch, Human Rights Foundation and Prisoners Defenders, to chapter IV.B on Cuba of the 2020 Annual Report of the IACHR, to the Communication of 6 November 2019 to the United Nations High Commissioner for Human Rights of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, and the Special Rapporteur on trafficking in persons, especially women and children, on the Cuban medical brigades, and to the conclusions of the latest Universal Periodic Review of Cuba 2018, on the Cuban medical brigades,

¹ OJ C 363, 28.10.2020, p. 70.

² Texts adopted, P9_TA(2019)0073.

³ OJ C 334, 19.9.2018, p. 99.

⁴ OJ L1 337, 13.12.2016, p. 3.

⁵ [EU-Cuba Joint Council, 20 January 2021.](#)

⁶ [Human Rights Dialogue under the PDCA, 26 February 2021.](#)

- having regard to the reports of the Cuban Observatory for Human Rights from the 12 months to May 2021 on repressive actions and arbitrary detentions,
 - having regard to the public hearings of the 179th Period of Sessions of the IACHR,
 - having regard to IACHR resolutions 7/2021, 14/2021 and 24/2021,
 - having regard to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the UN General Assembly on 10 December 1984, to which Cuba is a State Party,
 - having regard to the Universal Declaration of Human Rights, to which Cuba is a signatory,
 - having regard to the EU Guidelines on Human Rights Defenders,
 - having regard the Cuban Constitution and its Penal Code,
 - having regard to Resolution 168 of the Ministry of Foreign Trade and Investment of the Republic of Cuba of 29 March 2010, to Law 1312 of 12 September 1976 (the so-called ‘Migration Law’) and its regulatory decrees No. 26 of 18 December 2015 and No. 306 of 12 October 2012, to the American Convention on Human Rights and to the 2020 annual report of the Inter-American Commission on Human Rights of April 2021,
 - having regard to the International Labour Organization (ILO) conventions ratified by Cuba,
 - having regard to the definition of ‘civil society organisation’ in the Official Journal of the European Union,
 - having regard to Rule 132(2) and (4) of its Rules of Procedure,
- A. whereas with the PDCA, signed in 2016, both parties reaffirmed their respect for universal human rights as set out in the Universal Declaration of Human Rights and other relevant international instruments on human rights; whereas on 5 July 2017, the European Parliament granted its consent to the EU-Cuba PDCA;
- B. whereas Parliament adopted a resolution in 2017 reaffirming its views on democracy, universal human rights and fundamental freedoms such as freedom of expression, assembly and political association, and freedom of information in all its forms;
- C. whereas human rights, freedom, dignity, and the well-being of people are best represented and defended in a democracy, which means, among other things, alternation of power, free and fair elections and respect for political pluralism; whereas Article 5 of the recently approved Cuban Constitution underlines the Communist Party of Cuba as the ultimate state authority, reinforced by Articles 4 and 229 underscoring socialism as an irreversible system; whereas the new Constitution of 2019 has served not only to shield the system and freeze any process of reforming freedoms and rights, but also to extend their limitation; whereas the regime seriously restricts people with different political convictions from participating in public political life and holding political

office; whereas there is a continuing absence of conditions that provide guarantees for judicial independence, especially around cases involving activists and dissidents;

- D. whereas Decree 349 restricts artists' freedom of expression by requiring prior authorisation for public and private performances and exhibitions; whereas Decree 370 on online content establishes an ambiguous framework that allows for the persecution of activists and independent journalists, especially in the context of the COVID-19 pandemic; whereas the Cuban Penal Code includes provisions such as 'state of danger' and 'pre-criminal security measures' for which more than 8 000 people are being held in prison with no attributable crime, and 2 500 more have been condemned to forced labour;
- E. whereas since the entry into force of the PDCA almost four years ago, there has been no concrete progress in Cuba vis-à-vis the general principles and objectives pursued by the agreement towards improving the situation of human rights, fundamental freedoms, and economic and social conditions for Cuban citizens; whereas on the contrary, the Cuban regime has increased its repression and human rights violations and the situation has continued to deteriorate throughout Cuban society, producing new waves of resistance and peaceful demonstrations from significant sectors that have been repressed and brutally crushed by the Cuban regime's repressive structures;
- F. whereas opinion 50/2020 of the UN Human Rights Council (HRC) Working Group on Arbitrary Detention, distributed on 14 October 2020, warns that the systemic violation of human rights by the Cuban authorities is common practice; whereas 199 cases of political prisoners in Cuba were registered in last twelve months to 1 June 2021, with 65 new cases of political imprisonment; whereas April has been the most repressive month since the start of 2021, as the Cuban Human Rights Observatory (OCDH) has documented more than 1 018 repressive actions against human rights activists and independent journalists, of which 206 were arbitrary detentions and 13 involved serious violence; whereas according to the Prisoners Defenders organisation, there are currently 150 political prisoners in Cuba;
- G. whereas in the light of the analysis carried out by the Inter-American Commission on Human Rights on 11 February 2021, precautionary measures in favour of 20 identified members of the San Isidro Movement (MSI) were adopted and it is sufficiently proven that the rights to life and personal integrity of the identified persons are at serious risk; whereas the Cuban authorities illegally broke into the house of independent artist and San Isidro Movement coordinator Luis Manuel Otero Alcántara, and arbitrarily detained him for several hours without any charges; whereas Denis Solís González, a member of the MSI, is arbitrarily being held in prison charged with contempt, and Luis Robles Elizástegui is in prison just for carrying a poster peacefully calling for the release of Denis Solís González; whereas Maykel Castillo Pérez, a member of the MSI and co-creator of the song '*Patria y Vida*' is being imprisoned arbitrarily and was communicated as disappeared for 14 days by the UN Committee on Enforced Disappearances;
- H. whereas contrary to requests by Parliament, there have been no visits to political prisoners in prison or any observation of trials of opponents, dissidents, human rights activists or independent civil society by the EU; whereas international human rights

organisations such as Human Rights Watch, Amnesty International and Prisoners Defenders among many other independent observers of the human rights situation, including UN Special Rapporteurs, are not allowed to enter Cuba despite years of insisting on the need to visit the island;

- I. whereas Resolution 168 of 2010 of the Ministry of International Trade and Foreign Investment of Cuba, imposes on all civil employees abroad who work for the state or for state-owned enterprises, including medical personnel, unjustified duties and obligations that violate human dignity and the most basic and fundamental human rights; whereas all civil employees who do not finish medical missions or decide not to go back to Cuba are punished under the Cuban Penal Code with eight years in prison; whereas these medical missions have been classified as a modern form of slavery according to the Inter-American Commission on Human Rights (IACHR) and the statement of the UN High Commissioner for Human Rights (CUB6/2019) on the Cuban medical missions underscored the precarious and inhumane working conditions of the medical personnel, allegations that were supported by Human Rights Watch and 622 testimonies;
- J. whereas Cuba has ratified the eight fundamental conventions of the ILO; whereas Cuba is breaching ILO Conventions 29 and 105 on forced labour;
- K. whereas Parliament has awarded its Sakharov Prize for Freedom of Thought to Cuban activists on three occasions: Oswaldo Payá in 2002, the Ladies in White (Berta Soler) in 2005 and Guillermo Fariñas in 2010; whereas the Cuban authorities have systematically prevented Sakharov laureates and their relatives from leaving the country and participating in international events, including those organised by the European Parliament, despite numerous invitations, the last time being on 11 December 2020; whereas their tactics have included harassment, intimidation and the arbitrary arrest of Berta Soler and Reinaldo Escobar, as well as restricting the internet connections of the other participants; whereas the Chair of the Delegation for Relations with the Countries of Central America, the Chair of the Committee on Foreign Affairs and a Vice-President of Parliament signed a joint declaration repudiating the harassment of the activists; whereas there are concerns over their defence and support by the EU delegation in Havana; whereas neither the European External Action Service (EEAS) nor the EU Delegation in Cuba have made a statement defending them or shown any kind of public or private support;
- L. whereas the current EU Ambassador in Havana signed a letter addressed to the President of the United States, requesting, among other things, the lifting of the US embargo on the island, as well as non-interference in Cuban affairs; whereas this fact constitutes a clear over-reaching of the Ambassador's diplomatic functions and illustrates the highly politicised role played by the EU embassy in Havana; whereas current EU Ambassador in Havana has publicly made statements affirming that 'Cuba is not a dictatorship';
- M. whereas the Cuban Government refused the participation of independent civil society organisations in the 'EU-Cuba Civil Society Seminars' that took place ahead of the third formal Human Rights Dialogue; whereas on 26 February 2021, the EU and Cuba held their third formal Human Rights Dialogue under the PDCA; whereas the two sides

discussed the issue of freedom of peaceful assembly and of association; whereas the EU recalled the need to respect international human rights law obligations; whereas the dialogue is intended to produce tangible results and cannot be considered a goal in itself; whereas any political dialogue must include direct intensive participation of independent civil society and all opposition political actors with no restrictions, as stressed in Article 36 of the PDCA;

- N. whereas Parliament has, on several occasions, invited the diplomatic representatives of the Cuban Government to hearings and activities regarding Cuba; whereas these invitations were not only declined, but also responded to in the form of letters full of insults and unfounded accusations against Parliament and its Members; whereas Parliament is most likely the only EU institution which has not been granted permission to visit the country following the provisional entry into force of the PDCA, an attitude which clearly contradicts the essential element upon which a political dialogue agreement should be based;
- O. whereas the PDCA included a so-called ‘human rights clause’, which is a standard essential element of EU international agreements that allows the PDCA to be suspended in the event of violations of the provisions on human rights;
1. Strongly condemns the existence of political prisoners, the persistent and permanent political persecution, acts of harassment and arbitrary detentions of dissidents in Cuba; also condemns the current attacks against artists of the San Isidro Movement, peaceful dissidents, independent journalists, human rights defenders and members of the political opposition; calls for an immediate end to these actions and urges the Cuban authorities immediately to release all political prisoners and those arbitrarily detained solely on the grounds of exercising their freedom of expression and assembly; strongly condemns the arbitrary detention of Aymara Nieto Muñoz, Mitzael Díaz Paseiro, Iván Amaro Hidalgo, Edilberto Ronal Arzuaga Alcalá, Yandier García Labrada, Denis Solís González, Luis Robles Elizástegui and the 77 prisoners of conscience; expresses solidarity with the members of the San Isidro Movement and all activists and human rights defenders in their efforts to advance freedom of expression in Cuba;
 2. Calls for better guarantees for the right to a fair trial and for the independence of the judiciary, and to ensure that persons deprived of their liberty have access to an independent lawyer; regrets the 1 941 acts of repression that occurred in April (1018) and May 2021 (923); demands that those detained be allowed independent medical evaluation, access to telephone communication and regular visits from family, friends, journalists, and diplomats;
 3. Deeply regrets the lack of commitment and willingness of the Cuban regime to endeavour to advance towards even minimal progress towards change or to open channels that could allow for ways to reform the regime, which would improve social and political participation as well as the living conditions of citizens; regrets the fact that, despite the entry into force of the PDCA almost four years ago, the situation regarding human rights and democracy has not improved and has not led to any substantial and tangible positive result for the Cuban people; calls for compliance with the binding obligations set out in this agreement and calls for clear benchmarks be adopted in this respect;

4. Acknowledges the right of the Cuban people to demand the democratisation of their country through a dialogue with civil society and the political opposition in order to establish a roadmap towards democratic multi-party elections;
5. Demands that the Cuban Government implement legal reforms in order to guarantee freedom of the press, association and demonstration, and launch the political reforms enabling free, fair and democratic elections that take account of the sovereign and freely expressed will of the Cuban people; urges the Cuban Government to align its human rights policy with the international standards defined in the charters, declarations and international instruments to which Cuba is a signatory and to allow civil society and political opposition to actively participate in political and social life with no restrictions; calls on the Cuban Government to recognise independent journalism as a legitimate practice and to respect the rights of independent journalists in Cuba;
6. Calls for the immediate repeal of Decrees 349 and 370 and other Cuban laws that violate freedom of expression;
7. Calls on the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy to acknowledge the existence of political opposition to the Cuban Government, and therefore to include it in the institutionalised, formal, open and public political dialogues between the EU and Cuba, upholding the pillars of the PDCA;
8. Regrets that the EEAS and the EU Delegation in Havana excluded the Cuban democratic opposition and both European and Cuban independent civil society organisations from the political dialogues due to the lack of endorsement by the Cuban authorities; underlines that this decision is contrary to the PDCA and stresses that both parties have an obligation to fully comply with the agreement; calls on the VP/HR and the EEAS to refuse to participate in future political and human rights dialogues with Cuba unless civil society is adequately represented;
9. Reminds the EEAS that the participation of civil society in the political dialogues and the agreement's cooperation projects is an essential part of the PDCA and that excluding civil society from cooperation funds and/or participation in the agreement while, on the contrary, allowing participation and access to cooperation funds exclusively for companies in which the state participates or which it controls, as has been the case since the signing of the agreement, should be remedied immediately;
10. Condemns the systemic labour and human rights violations committed by the Cuban state against its healthcare personnel assigned to work abroad on the medical missions, which are in breach of core ILO conventions ratified by Cuba; urges Cuba to effectively implement and comply with the American Convention on Human Rights and ILO Conventions 29 and 105 respectively; calls on the Cuban Government to ensure the right of Cubans to exit and return to their country, including for doctors deployed in medical missions abroad, in line with international human rights standards; calls on the Cuban Government to ratify the International Covenant on Economic, Social and Cultural Rights and to ensure the rights to freedom of association, including the registration of organisations, and collective bargaining, in line with ILO standards;

11. Calls on the EEAS to insist that the Cuban authorities fulfil the binding obligations

established in the PDCA between the EU and Cuba, in particular concerning respect for basic human rights and fundamental freedoms, as stressed in Articles 1(5), 2 (c), 5, 22 and 43(2) of the agreement respectively; insists therefore that the European Union closely follow and monitor respect for human rights and fundamental freedoms in Cuba when implementing the PDCA, and submit regular reports relating thereto to Parliament;

12. Considers that the imprisonment of Denis Solís González, Luis Robles Elizástegui, Maykel Castillo Pérez ('Osorbo'), who is a member of the MSI and co-creator of the song '*Patria y Vida*' and is being imprisoned arbitrarily and was communicated as disappeared for 14 days by the UN Committee on Enforced Disappearances, and more than 120 political prisoners and convicts of conscience, and all the arbitrary and repressive actions registered in April and June 2021, constitute a breach of the agreement and a case of special urgency, as established in Article 85 (3b) of the PDCA; calls for the EU to convene an urgent meeting in this regard accordingly;
13. Deeply regrets the Cuban authorities' refusal to allow European Parliament delegations to visit Cuba; calls on the authorities to permit entry to the country as soon as the sanitary conditions allows; calls on all Member States' representatives to address the issues of human rights violations in Cuba while visiting the Cuban authorities and to meet with Sakharov laureates in order to guarantee the coherent internal and external implementation of the human rights policy of the European Union;
14. Instructs its President to forward this resolution to the Government and National Assembly of People's Power of Cuba, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Commission, the EU Special Representative for Human Rights, the governments and parliaments of the Member States and the United Nations High Commissioner for Human Rights.